

So Ordered.

Dated: June 5th, 2019



Frederick P. Corbit
Frederick P. Corbit
Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON**

In re:

GIGA WATT, Inc., a Washington
corporation,

Debtor.

Case No. 18-03197

The Honorable Frederick P. Corbit

Chapter 11

MARK D. WALDRON, in his
capacity as the duly-appointed
Chapter 11 Trustee,

vs.

DAVID M. CARLSON and JANE
DOE 1, individually and on behalf of
the marital estate, ENTERPRISE
FOCUS, INC., a Washington
corporation, CLEVER CAPITAL,
LLC, a Washington limited liability
company, JEFFREY FIELD, ROB
TAVIS, and JANE DOES 2
THROUGH 15

Adv. Pro. No. 19-80012

**ORDER GRANTING
PRELIMINARY INJUNCTION**

1 This matter came before the Court on May 23, 2019 (the “**Show Cause**
2 **Hearing**”) pursuant to the (i) *Amended Order to Show Cause for Preliminary*
3 *Injunction and Temporary Restraining Order*, entered in this proceeding on April
4 30, 2019 [AP Docket No. 19], (ii) *Motion of the Chapter 11 Trustee for Order to*
5 *Show Cause for Preliminary Injunction and Temporary Restraining Order*, filed
6 on April 22, 2019, and (iii) *Verified Complaint for Avoidance and Recovery of*
7 *Fraudulent Transfers and/or Preferential Transfers; Breach of Fiduciary Duty;*
8 *Turnover; and Injunctive Relief; and the Chapter 11 Trustee’s Objections to*
9 *Claims of David M. Carlson (Claims Nos. 318 and 319) and of Clever Capital*
10 *LLC (Claim No. 320)* (the “**Verified Complaint**”), filed on April 22, 2019.

11 Pursuant to Federal Rule of Civil Procedure 7052, applicable herein by
12 Federal Rule of Bankruptcy Procedure 7052, the Court’s oral ruling at the Show
13 Cause Hearing constitutes its findings of fact and conclusions of law and such
14 findings of fact and conclusions of law are incorporated herein by reference as if
15 set forth fully herein.

16 Accordingly, it is hereby:

17 **ORDERED** that management and control of the Debtor’s business
18 operations and interests located at 474 Highline Drive, Buildings A, B, C, H1, H2,
19 East Wenatchee, Washington (the “**TNT Facility**”) are placed with Mark D.
20 Waldon, in his official capacity as the duly-authorized trustee in this bankruptcy
21 case (the “**Trustee**”).

22 **ORDERED** that (i) David M. Carlson, Clever Capital LLC, and Enterprise
23 Focus, Inc., (ii) those who receive actual notice of this Order and are the officers,

1 agents, servants, employees of David M. Carlson, Clever Capital LLC and/or
2 Enterprise Focus, Inc.; and (iii) those who receive actual notice of this Order and
3 are in active concert or participation with David M. Carlson, Clever Capital LLC
4 and/or Enterprise Focus, Inc., are enjoined during the pendency of this adversary
5 proceeding from controlling, disposing of, transferring, encumbering or
6 possessing the TNT Facility, including, without limitation (i) the leases pertaining
7 to the TNT Facility, (ii) the *Interconnection and Service Agreement*, dated May
8 14, 2018 between Public Utility District No. 1 of Douglas County and Giga Watt,
9 Inc., and (iii) all personal property, whether tangible or intangible, used by the
10 Debtor in its business operations that it has maintained at the TNT Facility,
11 including, computers, cables, power strips, racks and infrastructure.

12 **ORDERED** that the parties shall cooperate to allow Mr. Carlson to remove
13 from Building C at 464 Highline Drive, East Wenatchee, Washington, certain
14 personal property belonging to Mr. Carlson, including a 2008 Toyota FJ Cruiser.

15 *[This Order follows on the next page.]*
16
17
18
19
20
21
22
23
24

1 **ORDERED** that pursuant to Federal Rule of Bankruptcy Procedure 7065,
2 the Trustee is not required to post any security and such required is waived.

3 /// END OF ORDER ///

4 **PRESENTED BY:**

5 CKR LAW LLP

6 /s/ Pamela M. Egan

7 Pamela M. Egan (WSBA 54736)

8 506 2nd Avenue, 14th floor

9 Seattle, WA 98114

10 Tel.: 415-297-0132

11 E: pegan@ckrlaw.com

12 *Of attorneys for Mark Waldron in his capacity*
13 *as the duly-appointed Chapter 11 Trustee*